



JAN 1652
Docket No.: K21788USWO (C038435/0195300)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

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Renyuan BAI et al.

)

Examiner: S. Swope

Serial No.: 10/560,726

)

Art Unit: 1652

Filed: December 8, 2005

)

For: **FEEDBACK-RESISTANT
MEVALONATE KINASES**

)

New York, New York
August 7, 2007

**RESPONSE TO RESTRICTION REQUIREMENT
AND PETITION FOR EXTENSION OF TIME**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed June 22, 2007, which set a one-month shortened statutory period for response. A one-month extension of time to respond to the Office Action is hereby requested. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before August 22, 2007. 37 CFR §§ 1.8 and 1.136. Enclosed is a check in the amount of \$120.00 to cover the fee for the extension of time. 37 CFR § 1.17. Please charge any required fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2 of the Office Action, the Examiner issued a two-way restriction requirement pursuant to 35 USC § 121. The restriction divided the claims into the



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following allegedly distinct inventions: Group I drawn to a “variant mevalonate kinase polypeptide, the encoding polypeptide, and recombinant method of making the polypeptide” containing claims 1-16 and 19-20; and Group II “drawn to a method of making an isoprenoid using a variant mevalonate kinase polypeptide” containing claims 17-18. (Paper No. 20070612 at 2).

In accordance with restriction practice, the subject matter of **claims 1-16 and 19-20 (Group I)** is hereby elected for prosecution with traverse.

In addition, the Examiner issued a requirement to elect a single species to one of SEQ ID NOs: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 30. (Paper 20070612 at 2).

In accordance with election of species practice, **SEQ ID NO: 1** is elected for purposes of Examination with traverse.

The Examiner further required a species election of one of the variants listed below:

- (A.) Mutation at position 17
- (B.) Mutation at position 47
- (C.) Mutation at position 93
- (D.) Mutation at position 94
- (E.) Mutation at position 132
- (F.) Mutation at position 167
- (G.) Mutation at position 169
- (H.) Mutation at position 204
- (I.) Mutation at position 266

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(J.) Mutation at position other than 17, 47, 93, 94, 132, 167, 169, 204, and 266. (*Id.* at 2-3).

In accordance with election of species practice, **(A.) Mutation at position 17 is elected for purposes of Examination with traverse.**

The Examiner further required that applicant identify "the claims encompassing the elected invention." (*Id.* at 4). The elected invention is encompassed by elected claims 1-16 and 19-20.

If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 7, 2007.

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Respectfully submitted,

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